

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL B. CHAFIN	:	
Plaintiff,	:	CASE NO. 2:07-cv-446
v.	:	JUDGE SARGUS
E.A. LANGENFELD ASSOCIATES, LTD.	:	MAGISTRATE JUDGE ABEL
Defendant.	:	

RULE 26(F) REPORT OF THE PARTIES

1. Pursuant to Fed R. Civ. P. 26(f), a meeting was held by e-mail on August 23, 2007, and was attended by:

Nicholas E. Kennedy – Counsel for Plaintiff

Douglas B. Schnee – Counsel for Defendant

2. The parties do not unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 USC § 636(c).

3. The parties have agreed to waive initial disclosures.

4. There are no contested issues not already before the Court relating to subject matter jurisdiction, personal jurisdiction and/or venue, and therefore, no discovery will be needed on these issues and the parties do not recommend a date for filing motions regarding these issues.

5. Recommended cut-off date for filing any motion to amend the pleadings and/or add additional parties is 30 days after the Court's ruling on the Motion to Dismiss.

6. a. Plaintiff's subjects for discovery include: The Plaintiff intends to seek discovery relating to the claims alleged in the Complaint and Defendant's defenses thereto, utilizing each of the methods of discovery for which the Civil Rules provide.

Defendant's subjects for discovery include: The Defendant intends to seek discovery relating to the claims alleged in the Complaint and Plaintiff's damages, utilizing each of the methods of discovery for which the Civil Rules provide.

- b. The parties do not anticipate that any changes to the rules of discovery are needed.
- c. Plaintiff and Defendant anticipate that he will seek electronic information in the form of relevant email and desires it to be produced electronically.
- d. The parties do not believe there are currently any issues relating to claims of privilege or of protection as trial preparation materials. The parties have agreed that, assuming possible claims arise during discovery, that such claims may be asserted if done in a timely manner.
- e. At this time, the parties do not intend to defer the taking of any discovery.
- f. The parties do not anticipate the need to conduct discovery in phases.
- g. Plaintiff may retain one or more expert witnesses within the meaning of Fed. R. Civ. P. 26(a)(2) in the following areas:

Plaintiff anticipates that he may potentially use his treating physicians as witnesses, although they will not be specifically retained for purposes of this litigation.
 - i. Recommended date for making primary expert designations: 120 days after the Court's ruling on the Motion to Dismiss.
 - ii. Recommended date for making rebuttal expert designations: 175 days after the Court's ruling on the Motion to Dismiss.
- h. The parties recommend that the discovery cut-off be set for 270 days after the Court's ruling on the Motion to Dismiss.

7. Recommended dispositive motion deadline: 300 days after the Court's ruling on the Motion to Dismiss.

8. No settlement demand has been made. In the event that the Court denies Defendant's Motion to Dismiss, the parties will exchange settlement positions no later than 30 days later.

9. The earliest Settlement Week referral reasonably likely to be productive is the Settlement Week occurring directly after the Court's ruling on the Motion to Dismiss.

10. Other matters for the attention of the Court: None

FOR PLAINTIFF:

s/ Nicholas E. Kennedy

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s/ Douglas B. Schnee

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